

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY G. MAGGARD,

Defendant.

Case No. 20-mj-2041DPR

**MOTION OF THE UNITED STATES FOR PRETRIAL
DETENTION HEARING PURSUANT TO TITLE 18,
UNITED STATES CODE, SECTION 3142(f)**

The United States of America, by the United States Attorney for the Western District of Missouri, hereby moves the Court to order a pretrial detention hearing pursuant to 18 U.S.C. § 3142(f), for the purpose of presenting evidence to determine whether any condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community. As grounds for the motion, the United States submits that:

1. There is probable cause to believe that the defendant committed the offense of felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2);
2. The defendant poses a risk to the safety of others in the community; and
3. The defendant poses a risk to flee.

SUPPORTING SUGGESTIONS

Title 18, United States Code, Section 3142(f)(1)(E) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the government moves for such a hearing and if the case involves

any felony that involves the possession or use of a firearm. In this case, the defendant is charged with being a felon in possession of a firearm.

Title 18, United States Code, Section 3142(g) lists the factors this Court should consider in determining whether it can fashion conditions which will reasonably assure the appearance of the defendant as required and the safety of the community. These factors include: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant, including his criminal history; and (4) the nature and seriousness of the danger to the community that would be posed by the defendant's release. 18 U.S.C. § 3142(g).

To support the Government's contention that the defendant is a flight risk and a danger to the safety of the community, the Government offers that:

1. On or about July 25, 2020, the defendant resisted arrest, attempted to run from law enforcement, and continuously reached for the front of his waistband where officers later recovered a loaded firearm. Officers also recovered a loaded magazine and a small bag of methamphetamine from the defendant's person.
2. Defendant has a criminal history which includes felony convictions for accessory to assault-2nd degree; armed criminal action; possession of a controlled substance; theft/attempt theft of anhydrous ammonia or liquid nitrogen; possession of anhydrous ammonia in a non-approved container; tampering with a motor vehicle-1st degree; theft/stealing; property damage-1st degree; property damage-1st degree; fraudulent use of credit/debit service; and assault-2nd degree.
3. Defendant has a history of poor adjustment to supervision and was on parole with the State of Missouri at the time of the instant offense.

For the reasons set forth above, the United States requests that a detention hearing be held and that the defendant be denied bail.

Respectfully submitted,

TIMOTHY A. GARRISON
United States Attorney

By /s/ Jessica R. Sarff
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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was delivered on April 22, 2020, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Jessica R. Sarff
Jessica R. Sarff
Assistant United States Attorney